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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHN C. PIPES,

Plaintiff,

vs.

BRIDGECREST, a Foreign Company,
EXPERIAN INFORMATION SOLUTIONS,
INC., a Foreign Corporation,
TRANSUNION LLC, a Foreign Limited-
Liability Company,

Defendants.

COMPLAINT

Plaintiff, John C. Pipes (hereinafter "Plaintiff"), by and through his counsel of record, Jamie S. Cogburn, Esq. and Erik W. Fox, Esq. of Cogburn Law Offices, hereby complains against Defendants as follows:

I. PRELIMINARY STATEMENT

1. This is an action for actual, statutory and punitive damages, costs and attorney fees brought pursuant to 15 U.S.C. § 1681 et seq. (Federal Fair Credit Report Act).

1 **II. JURISDICTION AND PARTIES**

2 **A. JURISDICTION OF THE COURT**

3 2. The jurisdiction of this Court is conferred by 15 U.S.C. § 1681(p) and 28 U.S.C.
4 1367.

5 3. Plaintiff is a natural person and resident of the State of Nevada and is a “consumer”
6 as defined by 15 U.S.C. § 1681a(c).

7 **B. VENUE.**

8 4. Venue is proper pursuant to 28 U.S.C. § 1391 as Defendants do business within the
9 area of the District of Nevada, are subject to the Court’s personal jurisdiction and a substantial part
10 of the events giving rise to the claims alleged occurred within the District of Nevada.

11 **C. THE CREDIT BUREAUS AND THE FURNISHER**

12 5. This matter involves two entities in the business of furnishing credit reports.
13 Experian and Transunion will be collectively known as the “Credit Bureaus.”

14 6. Upon information and belief, Experian Information Solutions, Inc. (hereinafter
15 “Experian”) is a corporation incorporated under the laws of the State of California authorized to
16 do business in the State of Nevada.

17 7. Upon information and belief, Defendant, Experian is a “consumer reporting
18 agency,” as defined in 15 U.S.C. § 1681(f).

19 8. Upon information and belief, Defendant, Transunion LLC, is a foreign entity
20 licensed in the State of Illinois and registered to do business in Nevada.

21 9. Upon information and belief, Defendant, Transunion, is a “consumer reporting
22 agency,” as defined in 15 U.S.C. § 1681(f).

23 ...

24 ...

1 10. Upon information and belief, Bridgecrest is a corporation incorporated under the
2 laws of the State of Arizona and authorized to do business in the State of Nevada and is authorized
3 to do business in the State of Nevada.

4 11. Upon information and belief, Bridgecrest is a furnisher of information under 15
5 U.S.C. § 1681s-2.

6 **III. GENERAL ALLEGATIONS**

7 1. Plaintiff was a victim of identity theft from 2016 to 2018.

8 2. At that time, Plaintiff learned that someone was attempting to, or had, open
9 fraudulent accounts in his name.

10 3. Plaintiff notified the Henderson Police Department in 2018 and filed a report with
11 that agency.

12 4. Plaintiff pulled his credit reports and learned of multiple fraudulent identity theft
13 actions.

14 5. A notation appeared on the Plaintiff's credit report as to Bridgecrest showing that
15 accounts were reported as to this furnisher for an auto loan through Bridgecrest.

16 6. The Plaintiff never financed an automobile through Bridgecrest during the identity
17 theft time period.

18 7. The Bridgecrest account is reported, and continue to be reported, as a collection
19 account.

20 8. Plaintiff was denied employment based on the identity theft notations on his credit
21 reports.

22 9. Bridgecrest furnished false information to the Credit Bureaus.

23 10. The Credit Bureaus and Bridgecrest failed to conduct a thorough investigation into
24 this dispute.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF AGAINST THE CREDIT BUREAUS

11. The Plaintiff realleges and incorporates all preceding paragraphs as if fully set out herein.

12. The Credit Bureaus violated 15 U.S.C. § 1681e(b) by failing to establish or to follow reasonable procedures to assure maximum possible accuracy in the preparation of the credit report and credit files it published and maintains concerning Plaintiff.

13. As a result of this conduct, action and inaction of the Credit Bureaus, Plaintiff suffered damage by loss of credit, loss of the ability to purchase and benefit from credit, the mental and emotional pain and anguish and the humiliation and embarrassment of credit denials.

14. The Credit Bureaus' conduct, action and inaction was willful, rendering it liable for punitive damages in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n. In the alternative, it was negligent, entitling Plaintiff to recover under 15 U.S.C. 1681o.

15. Plaintiff is entitled to recover costs and attorney fees from the Credit Bureaus in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and/or § 1681o.

SECOND CLAIM FOR RELIEF AGAINST THE CREDIT BUREAUS

16. Plaintiff realleges and incorporates all preceding paragraphs as if fully set out herein.

17. The Credit Bureaus violated 15 U.S.C. § 1681i on multiple occasions by failing to delete inaccurate information in the Plaintiff's credit file after receiving actual notice of such inaccuracies; by failing to conduct a lawful reinvestigation; by failing to forward all relevant information to Bridgecrest; by failing to maintain reasonable procedures with which to filter and verify disputed information in the Plaintiff's credit file; and by relying upon verification from a source it has reason to know is unreliable.

1 18. As a result of this conduct, action and inaction of the Credit Bureaus, the Plaintiff
2 suffered damage by loss of credit; loss of the ability to purchase and benefit from credit; and the
3 mental and emotional pain, anguish, humiliation, and embarrassment of credit denials.

4 19. The Credit Bureaus' conduct, action and inaction was willful, rendering it liable for
5 actual or statutory damages, and punitive damages in an amount to be determined by the Court
6 pursuant to 15 U.S.C. § 1681o.

7 20. The Plaintiff is entitled to recover costs and attorney fees from the Credit Bureaus
8 in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and/or 1681o.

9 **FIRST CLAIM FROM RELIEF AGAINST BRIDGECREST**

10 21. Plaintiff realleges and incorporates all preceding paragraphs as if fully set out
11 herein.

12 22. Bridgecrest published the Bridgecrest representations to Equifax, and Transunion
13 and through each of the credit reporting bureaus identified above to all of Plaintiff's potential
14 lenders on multiple occasions, including but not limited to reporting the Bridgecrest account (the
15 "Defamation").

16 23. The Defamation was willful and with malice. Bridgecrest did not have any
17 reasonable basis to believe that the Plaintiff was responsible for the account reported in the
18 Bridgecrest representation. The Bridgecrest account was never opened by Plaintiff and
19 Bridgecrest had no basis to continue furnishing inaccurate account information to each credit
20 reporting bureau identified above.

21 24. As a result of this conduct, action and inaction of Bridgecrest, the Plaintiff suffered
22 damage by loss of credit; loss of the ability to purchase and benefit from credit; and the mental
23 and emotional pain, anguish, humiliation, and embarrassment of credit denials.

24 ...

1 a. The defamation, conduct and actions of Bridgecrest were willful, deliberate,
2 intentional and/or with reckless disregard for the interests and rights of Plaintiff such as to justify
3 an award of punitive damages against Bridgecrest in an amount to be determined by the Court.

4 **SECOND CLAIM FOR RELIEF AGAINST BRIDGECREST**

5 25. Plaintiff realleges and incorporates all preceding paragraphs as if fully set out
6 herein.

7 26. Bridgecrest violated the Fair Credit Reporting Act, 15 U.S.C. § 1681s-2(b) by
8 continuing the Bridgecrest representation within Plaintiff's credit file with each of the credit
9 bureaus identified above without also including a notation that this debt was disputed; by failing
10 to fully and properly investigate the Plaintiff's dispute of the Bridgecrest representation; by failing
11 to review all relevant information regarding same; by failing to accurately respond to the Credit
12 Bureaus; by failing to correctly report results of an accurate investigation to every other credit
13 reporting agency; and by failing to permanently and lawfully correct its own internal records to
14 prevent the re-reporting of the Bridgecrest Representations to the consumer reporting agencies.

15 27. As a result of this conduct, action and inaction of Bridgecrest, the Plaintiff suffered
16 damage by loss of credit; loss of the ability to purchase and benefit from credit; and the mental
17 and emotional pain, anguish, humiliation, and embarrassment of credit denials.

18 28. Bridgecrest's conduct, action and inaction was willful, rendering it liable for actual
19 or statutory, and punitive damages in an amount to be determined by the Court pursuant to 15
20 U.S.C. § 1681n. In the alternative, it was negligent entitling the Plaintiff to recover actual damages
21 under 15 U.S.C. 1681o.

22 29. The Plaintiff is entitled to recover costs and attorney's fees from Bridgecrest in an
23 amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and § 1681o.

24 ...

1 **IV. PRAYER FOR RELIEF**

2 **WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the
3 Defendant, on all counts, for the following:

4 30. Actual damages;

5 31. Statutory damages;

6 32. Punitive damages;

7 33. Costs and reasonable attorneys' fees;

8 34. A trial by jury; and

9 35. For such other and further relief as the Court may deem just and proper.

10 **V. JURY DEMAND**

11 Pursuant to Fed. R. Civ. P. 38(b) and the Seventh Amendment to the United States
12 Constitution, Plaintiff hereby demands a jury trial.

13 Dated this 20th day of August, 2018.

14 COGBURN LAW OFFICES

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